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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/711,756 | 10/01/2004 | Jeff DeFazio | SunReader | 5755 |
| 23217 | 7590 | 06/15/2006 | EXAMINER | |
| GLENN L. WEBB P.O BOX 951 CONIFER, CO 80433 | | | VARGOT, MATHIEU D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1732 | |

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/711,756 | DEFAZIO, JEFF | |
| | Examiner | Art Unit | |
| | Mathieu D. Vargot | 1732 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudd et al (see 34 and 50 in Figs. 13 and 17) in view of Bakalar –854 and Dillon (col. 1, lines 9-11; col. 10, line 30) essentially for reasons of record noting the following. While applicant argues that Rudd et al does not disclose an inner mold within an outer mold, such is not persuasive as that is exactly what molds 34 and 50 constitute, respectively. Applicant is invited to compare instant Figures 4 and 5 with the lens figures depicted in Rudd et al and point out what differences exist in terms of the inner lens blank being within the outer lens blank. Likewise, it is not clear why applicant argues that the mold responsible for forming the inner blank does not lie within the mold which forms the outer blank in the primary reference. Simply because the inner lens is formed on the **exterior** of the outer lens does not mean that it is not formed **within**—ie, within the outer borders of—the outer lens. Applicant's comments bridging pages 10 and 11 of the amendment have therefore been noted but are simply not persuasive. As there appears to be no difference in the instant lens and that made in Rudd et al, further clarification is required as to what applicant means in this regard. Bakalar –854 is applied for reasons of record, as is Dillon, the latter teaching applying a tinting and a metallic coating to a sunglass lens. While Dillon may not explicitly teach that the metallic coating is applied to mask the focal powers of the lens segments, this

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constitutes an intended purpose which the step of coating would perform. Obviousness does not require that the step be performed for the same reason, as long as some reason exists for performing it. In this case, ample reason is given in Dillon.


2.Applicant's arguments filed March 23, 2006 have been fully considered but they are not persuasive. Applicant's comments concerning the inner lens/mold being—or not being, in this case—within the outer lens/mold are not understood and require clarification. The examiner appreciates the aspect of the metallic coating disguising the powers of the lenses and that such is not explicitly taught in Dillon. However, the claims are recited in the manner of coating, and this coating would have been obvious for reasons other than necessarily disguising the focal powers of the lens portions. While a claim the scope of instant claim 34 was indicated as allowable in the advisory action of December 22, 2005, the indication of such allowability is hereby rescinded. It is respectfully submitted that the instant claims would have been obvious over the applied art.

3.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
June 9, 2006


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

6/9/06